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09/674,441	11/01/2000	Nobuyuki Kihara	09812.0461-00000	8620

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/674,441
Filing Date: November 01, 2000
Appellant(s): KIHARA ET AL.

Arthur A. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the **IDS** filed on 1/3/07 and the appeal brief filed 5/26/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6034832	**Ichimura et al.**	3-2000
6011858	Stock et al.	1-2000
5682549	Tanaka et al.	10-1997

(9) New Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejection - 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. **Claims 1 - 4, 16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ichimura et al.** (US Patent No. **6,034,832**).

Regarding Claim 1, Ichimura discloses a data processing apparatus, comprising:

a) Ichimura discloses memory with a large storage capacity (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) for the storage of multiple files. (col. 8, ll 28-33; col. 8, ll 51-53; col. 8, ll 56-62: record audio and video as content, file management information (file allocation table) to manage recording, reproduction, deletion or the like of contents)

b) memory means for storing move/copy history (col. 2, ll 4-5: copy history related to the copying of recording medium) indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) to a non-

volatile memory; (col. 4, ll 30-37: copy history or copy management data is transferred to controller and a memory work area (RAM))

c) reference means for referencing the history information (col. 2, ll 4-5: copy history related to the copying of recording medium) stored in said memory means when the particular file is moved/copied from said large capacity memory means (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) to the non-volatile memory; (col. 14, ll 14-17: reproduction request, copy history or copy management information referred to in order to judge execution/non-execution of reproduction)

d) control means for prohibiting the particular file from being moved/copied from said large capacity memory means (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) to the non-volatile memory when said reference means has detected that the history information is stored in said memory means. (col. 14, ll 41-51: specific date and hour set in date and hour condition data, judgment results determine whether current date and hour is before or after or equal to specific date and hour; if before or after then execution of reproduction (copy) is determined; if date and hour are equal then non-execution of reproduction (copy) is determined; if current date and hour match copy history specific date and hour then the data has already been reproduced or copied)

Regarding Claim 2, Ichimura discloses the data processing apparatus as set forth in

claim 1 wherein files stored in said large capacity memory means (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) have been compressed corresponding to a predetermined compressing method. (col. 3, ll 51-52; col. 3, ll 56-61: DVD uses MPEG2 video storage algorithm; MPEG2 uses compression in storage of video and audio data)

Regarding Claim 3, Ichimura discloses the data processing apparatus as set forth in claim 1 wherein files stored in said large capacity memory means (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) have been encrypted corresponding to a predetermined encrypting method. (col. 5, ll 46-52: data encoding (encrypt) using an encoding method)

Regarding Claim 4, Ichimura discloses the data processing apparatus as set forth in claim 1, wherein said memory means is composed of a flash memory. (col. 4, ll 30-37: nonvolatile RAM; flash memory)

Regarding Claim 16, Ichimura discloses a data processing method, comprising the steps of:

a) storing move/copy history (col. 2, ll 4-5: copy history related to the copying of recording medium) indicative of the movement of a particular file when the particular file is moved/copied from a large capacity memory (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) that stores a plurality of

files (col. 8, ll 28-33; col. 8, ll 51-53; col. 8, ll 56-62: file management information (file allocation table) to manage recording, reproduction, deletion or the like of contents) to a non-volatile memory; (col. 4, ll 45-49: memory for copy management data or copy history; col. 4, ll 30-37: copy history or copy management data is transferred to controller and a memory work area (RAM))

b) referencing the history information stored in the memory when the particular file is moved/copied from the large capacity memory (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) to the non-volatile memory; (col. 14, ll 14-17: reproduction request, copy history or copy management information referred to in order to judge execution/non-execution of reproduction)

c) prohibiting the particular file from being moved/copied from the large capacity memory (col. 3, ll 56-61: DVD storage medium (at least 4GBs, large capacity)) to the non-volatile memory when the history information is stored in the memory. (col. 14, ll 41-51: specific date and hour set in date and hour condition data, judgment results determine whether current date and hour is before or after or equal to specific date and hour; if before or after execution of reproduction is determined; if date and hour equal non-execution of reproduction is determined)

The following previous Final Rejection is reproduced for convenience.

DETAILED ACTION

1. This action is responding to application filed 11/1/2000 with foreign priority 3/3/1999 in Japan. Claims **1-4, 16** are pending. Claims **5 - 15** have been canceled. Independent claims are **1, 16**.

Claim Rejection - 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 1 - 4, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stock et al.** (US Patent No. 6,011,858) in view of **Tanaka et al.** (US Patent No. 5,682,549).

Regarding Claim 1 (Currently Amended), Stock discloses a data processing apparatus, comprising:

b) memory means for storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

c) reference means for referencing the history information stored in said memory means when the particular file is moved/copied from said large capacity memory means to the non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card

and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

d) control means for prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

Stock discloses an application file structure with information equivalent to applicant's move (i.e. delete, write functions), copy (i.e. read, write functions) and transaction tracking information (i.e. history) function. (see Stock col. 3, lines 1-5; col. 4, lines 28-36; col. 3, line 67 - col. 4, line 4: file directory, contents management information) Stock's description of information displayed in the reference's application file structure information is equivalent to applicant's description of the information contained in the move, copy, history retrieved from memory or smart card (i.e. reference's IC card). Stock discloses that the information listing displays a current and updated listing of the information stored in the memory card. Stock discloses describing a move, copy, history which is generated by the usage of standard information programming and processing concepts. Stock does not specifically disclose a plurality of files in a large capacity data file storage means. However, Tanaka discloses:

a) a large capacity memory means for storing a plurality of files (see Tanaka col. 19, lines 56-63: multiple files stored for manipulation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize the storage of multiple files (i.e. database) as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment . (see Tanaka col. 2, lines 13-15: " *... easily store image data in a memory device connected to the network, manage the image data, or take out the image data ...* ")

Regarding Claim 2, Tanaka discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been compressed corresponding to a predetermined compressing method. (see Tanaka col. 13, lines 23-25: efficient data storage achieved by utilization of compression techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize compression techniques in the optimization of data storage as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-15)

Regarding Claim 3, Tanaka discloses the data processing apparatus as set forth in

claim 1, wherein files stored in said large capacity memory means have been encrypted corresponding to a predetermined encrypting method. (see Tanaka col. 13, lines 18-20; col. 11, lines 15-17: secure data storage achieved by utilization of encryption techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize encryption techniques in the secure storage of data as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to achieve secure storage and optimize the management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-15)

Regarding Claim 4, Stock discloses the data processing apparatus as set forth in claim 1, wherein said memory means is composed of a flash memory. (see Stock col. 3, lines 64-67: smart card, nonvolatile (i.e. flash) memory)

Regarding Claim 16 (Currently Amended), Stock discloses a data processing method, comprising the steps of:

a) storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from a large capacity memory that stores a plurality of files to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for

memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

b) referencing the history information stored in the memory when the particular file is moved/copied from the large capacity memory to the non-volatile memory; (see Stock col. 3, line 67 - col. 44, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

c) prohibiting the particular file from being moved/copied from the large capacity memory to the non-volatile memory when the history information is stored in the memory. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

(10) Response to Argument

A.1. The referenced prior art does not disclose " *... a memory means for storing move/copy history indicative of movement of a particular file (see Appeal Brief Page 4,*

Lines 17-18); " ... a reference means for referencing the history information ... " (see Appeal Brief *Page 4, Line 18-19)*

A.2. The referenced prior art does not disclose *" ... Examiner misapplies and misinterprets the disclosure of Storck ... " (see* Appeal Brief *Page 5, Lines 13-14) ; " ... the teaching of a memory means for storing move/copy history indicative of the movement of a particular file ... " (see* Appeal Brief *Page 5, Lines 14-16)*

A.3. The referenced prior art does not disclose *" ... prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in memory means ... "(see* Appeal Brief *Page 8, Lines 14-17; Page 9, Lines 9-12); " ... control means for prohibiting the particular file from being move/copied ... when said reference means has detected that the history information is stored in said memory means ... " (see* Appeal Brief *Page 4, Line 20 - Page 5, Line1)*

Examiner Response to Argument dated May 26, 2006

The Examiner's Rejection is proper given that the cited passages of **Storck (6,011,858)** and **Tanaka (5,682,549)** disclose the applicant's claimed invention.

As to Point A.1.:

The Storck (6,011,858) prior art discloses a memory means (see Storck col. 3, line 76 - col. 4, line 4) for the storage of digital data and Tanaka discloses a memory means (see Tanaka col. 3, lines 53-55) for the storage of digital data.

The Storck prior art discloses (see Storck col. 4, lines 56-59) the capability to reading or writing (move or copy) of digital data within a file structure. The information specific to a user or move/copy information for a particular user is stored and maintained on the card. (see Storck col. 3, lines 64-62; col. 4, lines 28-36) Data management information or transaction information is equivalent to history information.

The Storck (6,011,858) prior art discloses a reference means for the storage and manipulation of file move and copy history information within a file structure. By definition, a transaction is an activity or request. Typical transactions are considered to be an order, purchase, **change**, **addition** and **deletion**. These types of transactions update one or more master files and serve as both an audit trail and **history** for future analyses. (1. http://www.answers.com/transaction&r-67)

The Storck (6,011,858) prior art discloses the manipulation of information specific to a transaction. The Storck (6,011,858) prior art discloses that the information can be for other type of information applications then strictly credit card transactions. (see Storck col. 2, lines 50-54; col. 5, line 66 - col. 6, line 1: information processing application, move/copy file structure information) This is equivalent to the move/copy information indicated in the applicant's invention, which discloses a move or copy of a file and the storage of information to identify the action and provide a history of the completed operation or transaction. (see Storck col. 4, lines 28-36: processing user

information) The Storck (6,011,858) prior art discloses an application file structure for storing personal information for user transactions. The transaction can be a copy (i.e. **addition**) or a move (i.e. **delete**, **addition**) operation for a file, which is a user initiated transaction. The move, copy history information is the transaction information processed and stored. Therefore, the Storck (6,011,858) prior art discloses the equivalent claim limitation as the applicant's invention.

In addition, the Tanaka (5,682,549) prior art discloses wherein check determinations are completed to check conditions within the data management system and whether to input or output digital data. (see Tanaka col. 15, lines 4-8)

As to Point A2:

The Stork prior art does not misapply or misinterpret the applicant's invention. The applicant's invention discloses the storage and manipulation of file directory structure information. The Storck prior art discloses (see Storck col. 4, lines 56-59) the capability to reading or writing (move or copy) of digital data within a file structure. The information specific to a user or move/copy information for a particular user is stored and maintained on the card. (see Storck col. 3, lines 64-62; col. 4, lines 28-36)

The Stock (6,011,858) prior art discloses the storage of data. The move/copy history information is also data and can be considered a transaction. This particular data is a set of data structures consisted of multiple fields containing information concerning times, dates, filenames indicating the particular file(s) which are moved/copied utilizing this particular data structure. These data structures (i.e. transactions) encompass the history information. (see Stock col. 3, lines 1-5: file

structure ; col. 4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36: equivalent to move/copy history information, information written (i.e. copy), revised (i.e. move), and a transaction (i.e. history) information)

As to Point A.3.:

The Stock (6,011,858) prior art discloses a file directory consisting of data structures. These data structures consist of multiple fields containing information with an indication of whether it is history information. A check of the file directory can indicate whether this particular data structure exists. If no history information exists, the particular file cannot be moved/copied. (see Stock col. 3, lines 1-5: file structure ; col. 4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory structure, information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

Conclusion:

The applicant's invention discloses the usage of a file directory structure for the manipulation and management of digital data. This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art.

And, the applicant's invention discloses the usage of data access and data management functions within a file structure. This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art. The applicant's invention utilizes functions well known in the art. Therefore, there is nothing novel about the

applicant's invention. The applicant's invention discloses to capability to access and manipulate a file structure element, digital data, or history element in the determination of a parameter value, which is used to determine a procedural path (i.e. not to perform a move/copy function, if history information exists within a file structure). This is a function well known in the art, is not a novel idea, and is obvious to anyone skilled in the art. There are no novel features to applicant's invention. Applicant's invention is an obvious application of existing technology.

In conclusion, the examiner has considered the applicant's remarks concerning management of history information for content.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Storck (6,011,858) and Tanaka (5,682,549) discloses the applicant's invention including disclosures in Appeal Brief dated May 26, 2006.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer

exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

KHS
2/12/2008

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

Conferees:

***

BUNJOB JARDENCHONWANIT
SUPERVISORY PATENT EXAMINER

***

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

WENDY GARBER, DIRECTOR
TECHNOLOGY CENTER 2100

Supplemental Examiner's Answer

Responsive to a remand to consider Information Disclosure Statement (IDSs) filed on January 3, 2004, a supplemental Examiner's Answer is set forth below **with raising a new ground of rejection**.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within **two months** of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below: